

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

BANCO POPULAR DE PUERTO RICO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 2009-142
	)	
ALBERT JURGEN, MERCEDES E. JURGEN,	)	
EMMERY MCNAIRY, BARBARA B. MCNAIRY,	)	
VENITA B. DERENSBURG a/k/a VANITA B.	)	
DERENSBURG, EDWIN J. DERENSBURG,	)	
III, TERESA M. BROWN a/k/a TERESA J.	)	
BROWN, and ANDERSON N. BROWN	)	
	)	
Defendants.	)	

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ATTORNEYS:

Alex Moskowitz, Esq.

Erik E. Woodbury, Esq.

Dudley Topper & Feuerzeig

St. Thomas, VI

*For the plaintiff Banco Popular de Puerto Rico,*

Richard P. Bourne-Vanneck, Esq.

Law Office of Richard P. Bourne-Vanneck

St. Thomas, VI

*For the defendants Albert Jorgen and Mercedes Jorgen,*

Emmery McNairy

Barbara B. McNairy

Venita B. Derensbourg

Edwin J. Derensbourg, III

Teresa M. Brown

Anderson N. Brown

*Pro se defendants.*

JUDGMENT

GÓMEZ, J.

Before the Court is the motion of the plaintiff, Banco Popular de Puerto Rico, for a deficiency judgment.

Having reviewed the record, the Court makes the following findings:

On October 6, 2009, Banco Popular de Puerto Rico ("Banco Popular") initiated this action for debt and foreclosure against Albert Jurgen, Mercedes E. Jurgen (collectively, the "Jurgens"), Emmery McNairy, Barbara McNairy (collectively, the "McNairys"), Venita B. Derensbourg, Edwin Derensbourg, III (collectively, the "Derensbourgs"), Theresa Brown, and Anderson Brown (the "Browns") (collectively, the "defendants"). Banco Popular sought judgments of debt and foreclosure against all of the defendants.

The McNairys, the Derensbourgs, and the Browns did not answer or appear after service. The Clerk of Court entered default against those defendants. The Jurgens appeared, and submitted to mediation with Banco Popular. Following mediation, the Jurgens, the McNairys, the Derensbourgs, the Browns and Banco Popular executed a consent judgment. That consent judgment was accepted by the Court on November 28, 2011. The order accepting the consent judgment ordered foreclosure of property owned by the defendants and described as:

Parcel Nos. 1G-4 and 1G-3-1 Estate Wintberg  
No. 3 Great Northside Quarter, St. Thomas, U.S. Virgin  
Islands  
as shown on P.W.D. Drawing No. D907749-T0006 and D9-4156-  
T87

(the "Properties"). The consent judgment also ordered the Jurgens, Browns, and Derensbourgs to pay to Banco Popular the

sum of \$274,170.41, plus interest to accrue at the statutory rate.

Thereafter, on March 12, 2012, the Court issued a writ of execution for the debt against the Jurgens, Browns, and Derenbourgs, in the amount of the debt judgment. Interest has accrued on that amount at the statutory rate.

Pursuant to the consent judgment, on October 20, 2014, the United States Marshal sold the property described therein at a public auction. At the public auction, Banco Popular entered the highest bid for the Property as a credit against its debt judgment. The high bid was \$225,000.

Banco Popular now moves for a deficiency judgment.

The premises considered, it is hereby

**ORDERED** that pursuant to the terms of the Judgment, Banco Popular shall have a deficiency judgment against the Jurgens, the Browns, and the Derenbourgs in the amount of \$49,170.41 plus all accrued post-judgment interest thereon.

S\ \_\_\_\_\_  
CURTIS V. GÓMEZ  
District Judge